AMENDMENTS TO THE CLAIMS

The listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A recombinant polynucleotide comprising the *kstD* promoter from *Rhodococcus erythropolis* and a nucleotide sequence encoding a heterologous polypeptide that is operably linked to said promoter.

2. (Cancelled)

3. (Previously Presented) The recombinant polynucleotide according to claim 1, wherein the promoter comprises nucleotides 1-158 from the sequence of SEQ ID NO:3 or a functional part thereof.

4. (Currently Amended) The recombinant polynucleotide according to claim 1 [2], further comprising a nucleotide sequence encoding a transcription regulator from *Rhodococcus erythropolis* of said promoter.

5. (Currently Amended) The recombinant polynucleotide according to claim 4, wherein the expression of said nucleotide sequence encoding a heterologous polypeptide is controlled by steroidal compounds.

6. (Currently Amended) The recombinant polynucleotide according to claim 4 [5], wherein said regulator comprises the *kstR* gene or a homologue or a functional part thereof.

7. (Canceled).

8. (Previously Presented) The recombinant polynucleotide according to claim 1, further comprising at least one nucleotide sequence selected from the group consisting of a selectable marker, a counter-selectable marker and a reporter gene.

9. (Previously Presented) The recombinant polynucleotide according to claim 1, further comprising a signal sequence.

10. (Previously Presented) A recombinant vector comprising the recombinant polynucleotide according to claim 1.

11. (Previously Presented) A recombinant vector according to claim 10, further comprising a nucleotide sequence having multiple cloning sites.

12. (Previously Presented) A host cell transformed with the recombinant vector according to claim 10.

13. (Previously Presented) The host cell according to claim 12, wherein said host cell is a bacterium from the order of Actinomycetales.

14. (Previously Presented) The host cell according to claim 13, wherein said host cell is selected from bacteria belonging to the families of *Actinomycetaceae*, *Corynebacterineae*, *Mycobacteriaceae*, *Nocardiaceae*, *Brevibacteriaceae*, and *Micrococcaceae*.

15. (Previously Presented) The host cell according to claim 13, wherein said host cell is selected from bacteria belonging to the genus *Rhodococcus*.

16. (Previously Presented) The host cell according to claim 13, wherein said host cell is the bacterium *Rhodococcus erythropolis* RG10 as deposited under number DSMZ 15231 with the DSMZ-Deutsche Sammlung von Mikroorganismen und Zellkulturen.

17. (Cancelled)

18. (Previously Presented) A method for producing the heterologous polypeptide in a host cell, comprising transforming the host cell with the recombinant vector of claim 10.

19. (Canceled)

20. (Currently Amended) A method for constitutive expression of a heterologous protein of interest comprising transforming a host cell which does not contain a functional kstR gene or a homologue or a functional part thereof with a polynucleotide construct wherein the expression of the coding region of said heterologous protein is under control of the kstD promoter from *Rhodococcus erythropolis*.

21. (Canceled)

22. (Withdrawn) A method for identifying compounds that regulate the activity of the *kstD* promoter comprising exposing a host cell according to claim 14 to at least one compound whose ability to modulate the activity of a *kstD* promoter is to be determined, and monitoring said cell for modulated *kstD* promoter activity.

23. (Cancelled)

24. (Currently Amended) A vector comprising the recombinant polynucleotide of claim 4 [23].

25. (Previously Presented) A host cell transformed with the vector of claim 24.

26. (Cancelled)

27. (Cancelled)

28. (Cancelled)

29. (Currently Amended) A method of inducing expression of a heterologous protein, comprising:

providing a host cell having *kstR* activity,

transforming the host cell with a vector comprising a nucleotide sequence encoding the heterologous protein operably linked to a *kstD* promoter from *Rhodococcus erythropolis.*, and

incubating the transformed host cell in media comprising a concentration of steroid sufficient to lift the repressor function exerted by the *kstR* activity.

30. (New) The recombinant polynucleotide according to claim 6 wherein said *kstR* gene comprises nucleotides 1-624 from the sequence of SEQ ID NO:5.